

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Plaintiff brings this civil action against Defendant, and for statement of claim, states as follows:

I. **PARTIES**

1.1 Plaintiff Jeff Gold is a citizen of the United States and a resident of the State of Washington.

1.2 Defendant Sue Rahr is a resident of the State of Washington, and is the Sheriff of King County. Defendant Rahr is sued in her individual capacity and in her official capacity as Sheriff of King County. Defendant King County is a

COMPLAINT FOR DAMAGES - 1

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municipal corporation organized under the laws of the State of Washington. Defendants Matthew Paul and Jane Doe Paul are residents of the State of Washington. At all times material to this Complaint, Defendant Paul was a police officer employed by King County. Defendant Paul is sued in his individual capacity and in his official capacity as an employee, agent, or ostensible agent of King County.

II. STATEMENT OF JURISDICTION AND VENUE

1.1 Jurisdiction is proper because this action arises under a federal statute: 42 U.S.C. § 1983. The incident giving rise to this cause of action occurred in Seattle, which is located in the Western District of Washington.

II. BACKGROUND

2.1 On May 1, 2010, plaintiff Jeffrey Gold was walking to his home near Queen Anne and John Street in Seattle, Washington.

2.2 As he walked, he noticed defendant Paul and other officers contacting individuals who appeared to be drinking alcohol at a local bus stop. Plaintiff Gold took pictures of the incident. Defendant Paul noticed Plaintiff Gold and yelled at him to leave the scene.

2.3 As plaintiff Gold walked away, defendant Paul told him to stop and then charged at him and tackled him to the ground from behind. Once on the ground, defendant Paul pushed plaintiff's face into the ground causing a broken nose and facial injuries.

2.4 Plaintiff Gold was arrested for obstruction of justice and placed in King County jail for six hours before being released.

2.5 Deputy Paul did not have probable cause to forcibly detain plaintiff Gold.

COMPLAINT FOR DAMAGES - 2

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2.6 Deputy Paul did not have a reasonable suspicion that plaintiff Gold was engaged in a crime.

2.7 Deputy Paul accused plaintiff Gold of jaywalking. The amount of force used was inappropriate and unnecessary.

2.8 Plaintiff Gold sustained physical and emotional injuries as a result of Deputy Paul's actions.

III. CAUSES OF ACTION

3.1 The acts and omissions of defendants were performed under color of law.

3.2 Defendants are liable for negligence.

3.3 Defendant King County is liable for negligent training, negligent supervision, and negligent retention under state and federal law.

3.4 Defendants are liable for intentional torts, including, but not limited to, trespass, outrage, assault, battery, excessive force, false imprisonment, illegal search and seizure, and false arrest.

3.5 Defendants are liable for violating plaintiff's constitutional rights under the Washington Constitution.

3.6 Defendants are liable for violating plaintiffs' constitutional rights under the United States Constitution, by and through 42 U.S.C. § 1983.

3.7 Defendants are liable for violating Plaintiff's rights to due process under the United States Constitution and the Washington Constitution.

COMPLAINT FOR DAMAGES - 3

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2 3.8 Defendants are liable under a theory of Ratification of deputy Paul's acts and/or
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4 omissions.
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21 3.9 As a direct result of Defendants' acts and/or omissions, Plaintiff suffered damages,
22 including physical and emotional trauma, lost benefits, medical expenses, and other damages
23 past, present and future, all in amounts to be proven at the time of trial.
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IV. DAMAGES

22 4.1 The acts or omissions of the individual defendants herein were motivated by evil
23 motive or malicious intent, or involved reckless or callous indifference to the constitutional
24 rights of the Plaintiff. The individual defendants are liable for punitive damages under federal
25 law and 42 U.S.C. § 1983.

4.2 The plaintiff suffered physical injuries and emotional distress, and the defendants
are liable to plaintiff for his special and general damages.

V. PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for relief as follows:

1. For judgment against defendants, jointly and severally, and as individuals, for
compensation for all injuries and damages, past, present and future, in amounts to be proven at
the time of trial.

COMPLAINT FOR DAMAGES - 4

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2. For prejudgment interest at the statutory rate on all items of special damages.
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4. For an award of attorneys' fees, expert fees, and costs incurred herein.
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6. For an award of punitive damages against defendants individually, and jointly and
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8 severally.
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11. For such other and further relief as the Court deems just and equitable.
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DATED this _____ day of February, 2012.

OSBORN MACHLER

By _____
Simeon J. Osborn, WSBA #14484
Susan Machler, WSBA #23256
Mark A. Horey, WSBA #33558
Attorneys for Plaintiffs

COMPLAINT FOR DAMAGES - 5

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